

Serial No.: 09/545,769

Attorney Docket No.: 00P7572US

**REMARKS**

Upon entry of the instant Amendment, Claims 4, 5, and 9-17 are pending. Claims 1-3, and 6-8 have been canceled. Applicants gratefully acknowledge that claims 4-5 and 9-10 were indicated to be allowable. Claims 13, 14, 16, and 17 have been amended to correct alleged informalities. Claims 11, 12, and 15 have been amended to more particularly point out Applicants' invention.

Claims 4-5 and 9-10 were indicated to be allowable if amended into independent form and to include all the limitations of the base claim and any intervening claims. The claims have been so amended and thus should be allowable.

Various claims were objected to because of use of the indefinite article in the preamble. Various claims have been amended to recite the definite article. As such, the objection is obviated.

Claims 1-3, 6-8, and 11-17 have been rejected under 35 U.S.C. §103 as being unpatentable over Colley et al., U.S. Patent No. 6,650,644 ("Colley") in view of Ors et al., U.S. Patent No. 6,731,639 ("Ors"). Claims 1-3 and 6-8 have been canceled. The remaining claims have been amended to include limitations similar to those of the allowed claims and are believed allowable for similar reasons. In particular, claim 11 has been amended to recite "wherein said Quality of Service Ethernet layer is modular and wherein said Quality of Service commands are generated at a modular Generate Quality of Service Ethernet layer;" and claims 12 and 15 have been amended to recite "wherein said QoS Ethernet layer is modular and wherein said Quality of Service commands are mapped using a modular Generate Quality of Service Ethernet layer." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

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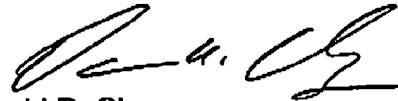
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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

SIEMENS CORPORATION

By:



David D. Chung  
Registration No.: 38,409  
Attorney for Applicant(s)  
Tel.: 650-694-5339  
Fax: 650-968-4517

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SIEMENS CORPORATION  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830  
ATTENTION: Elsa Keller, Legal Department  
Telephone: (732) 321-3026